

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
	:	3:23-cr-00149-MEM
v.	:	
	:	
DAMIEN BOLAND,	:	(Judge Mannion)
ALFRED ATSUS,	:	
JOSEPH ATSUS, and	:	
NICHOLAS DOMBEK	:	(Electronically Filed)

**UNOPPOSED MOTION TO CONTINUE DEADLINE
TO FILE PRETRIAL MOTIONS AND TRIAL**

AND NOW comes the Defendants Joseph Atsus, Alfred Atsus, Damien Boland and Nicholas Dombek, by and through their undersigned counsel, filing the following Unopposed Joint Motion to Continue Deadline to File Pretrial Motions and Trial based on the following:

1. On June 6, 2023, a thirteen-count Indictment was entered against Defendants Joseph Atsus, Alfred Atsus, Damien Boland, and Nicholas Dombek. (ECF 1.)
2. On June 13, 2023, Damien Boland was arraigned, entered a plea of not guilty, and was released on his own recognizance. (ECF 18.)

3. On June 15, 2023, Joseph Atsus and Alfred Atsus were arraigned, entered a plea of not guilty, and were released on their own recognizance. (ECF 33, 28.)

4. On January 2, 2024, Nicholas Dombek was arraigned, entered a plea of not guilty, and was detained pending further proceedings. (ECF 58.)

5. On January 8, 2024, the Court issued a scheduling order setting deadlines of March 12, 2024 to file pretrial motions and motions *in limine*, for the final pre-trial conference for April 24, 2024 and May 13, 2024 for jury selection and trial. (ECF. 65.)

6. The allegations contained in the Indictment span over a twenty-year period and allege twenty separate overt acts in Count 1.

7. The Government has indicated that should this case go to trial the Government's case-in-chief will last five to six weeks.

8. To date, the Government has produced over 7,300 documents and approximately 18 hours of body wire and wire tap recordings.

9. The discovery provided in this case requires not only extensive time to review but also a substantial amount of time to organize.

10. The body wire recordings provided are largely very difficult to discern. As a result, the Government has indicated that it is the process of producing transcripts of the recordings, which shall be produced upon completion.

11. Further, the objects alleged to have been stolen require valuations necessitating experts knowledgeable in rare art and artifacts.

12. Should this case go to trial, the Government has indicated that it will be producing additional appraisals of the allegedly stolen items.

13. Defense counsel needs more time to review and organize the discovery provided and to secure experts to review the Government appraisals.

14. Accordingly, the defendants jointly request an extension of all deadlines for approximately ninety (90) days.

15. Defense counsel respectfully submits that the ends of justice will be served by an extension of the pretrial motion deadline, and all other deadlines in order to provide defendant time to receive and review discovery, outweigh the interests of the public as to the need for a

speedy trial and may be in the interest of justice. See 18 U.S.C. § 3161(h)(7)(A).

16. Further, failure to grant the instant request would deny Defendants to effectively prepare for trial and would result in a miscarriage of justice. See 18 U.S.C. §§ 3161(h)(7)(B)(i); 3161(h)(7)(B)(ii).

17. In advance of filing the instant Motion, Defense Counsel contacted AUSA James Buchanan, who concurs in the Motion.

18. The additional time will enable the parties to evaluate whether the case can be resolved before the Government undertakes preparation for a 6-week trial and retains experts to appraise all of the remaining allegedly stolen items.

WHEREFORE, Defendants Joseph Atsus, Alfred Atsus, Damien Boland, and Nicholas Dombek respectfully request that this Honorable Court issue an Order continuing the pretrial motions deadline in the above-captioned case.

Respectfully submitted,

/s/ Patrick A. Casey
Patrick A. Casey

Attorney for Defendant, Joseph
Atsus

/s/Jason J. Mattioli
Jason J. Mattioli

Attorney for Defendant, Alfred
Atsus

/s/Matthew L. Clemente
Matthew L. Clemente

Attorney for Defendant, Damien
Boland

/s/Ernest D. Preate Jr.
Ernest D. Preate Jr.

Attorney for Defendant, Nicholas
Dombek

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CERTIFICATE OF SERVICE

I, MATTHEW L. CLEMENTE, ESQ., do hereby certify that this document, the foregoing Unopposed Joint Motion to Continue Deadline to File Pretrial Motions and Trial, filed electronically through the ECF system, will be sent to the registered Participants as identified on the Notice of Electronic Filing, including the following:

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Respectfully Submitted,

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